IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.615 OF 2005

Nimalu Lashkar @ Sapan Sardar
Lalhu Sardar ... Applicant

versus

The State of Maharashtra ... Respondent

...

Ms. Anjali Patil Contractor, for the Applicant.

Mr. R.Y. Mirza, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

8th February 2005

P.C.:

. Heard Counsel for the parties. Perused the record. Having regard to the seriousness of the offence, and the material on record to indicate complicity of the Applicant, I see no reason to depart from the conclusion reached by the Court below in rejecting bail application preferred by the present Applicant. The concerned witnesses have named the Applicant and

mentioned the role played by the Applicant in the commission of the crime. The argument is that the statement of Pooja, which is relied upon by the prosecution, is recorded on 28th May 2004, whereas the story spelt out by her in the statement was stated to be narrated by her on 25th May 2004, and it clearly casts doubt about the correctness of the version, and more so, it is stereo-type version given by the other victim. This argument clearly overlooks that the attempt of the Applicant was foiled by the combing operation undertaken by the local police on 25th May 2004. Salma has immediately lodged complaint within two hours from the combing operation. Statement of Pooja has been recorded during the course of investigation. Merely because there is some gap between registering the complaint and recording the statement of Pooja, at this stage, cannot be the basis to release the Applicant on bail. Even if the investigation is complete, the Applicant cannot be released on bail having regard to the seriousness of the offence. Not a case for bail. Rejected.

. The Principal Judge, Sessions Court for

Greater Mumbai, is directed to assign the trial to the Fast Track Court, if not already done, so as to ensure early disposal of the trial.

(A.M.KHANWILKAR,J.)